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*Attorneys for Winner & Sherrod
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS CHRISTENSEN, E. BREEN
ARNTZ, and GARY LEWIS,

Plaintiffs,

vs.

UNITED AUTOMOBILE INSURANCE
COMPANY; LEWIS ROCA
ROTHGERBER CHRISTIE; DANIEL
POLSENBERG; J. CHRISTOPHER
JORGENSEN; ABRAHAM SMITH;
MATTHEW TSAI; WINNER &
SHERROD f/k/a ATKIN WINNER &
SHERROD; THOMAS E. WINNER;
ROGERS MASTRANGELO
CARVALHO & MITCHELL, LTD.;
STEPHEN ROGERS; and DOES I
through V,

Defendants.

Case No. 2:22-cv-02125-JAD-VCF

**JOINT APPLICATION FOR EXTENSION
OF DEADLINE TO FILE RESPONSIVE
PLEADINGS/MOTIONS**

(FIRST REQUEST)

Defendants United Automobile Insurance Company (“UAIC”); Lewis Roca Rothgerber Christie (“Lewis Roca”); Daniel Polsenberg; J. Christopher Jorgensen; Abraham Smith; Matthew Tsai; Winner & Sherrod f/k/a Atkin Winner & Sherrod; and Thomas E. Winner¹ jointly request an extension of time to file responsive pleadings and motions pursuant to FRCP 6(c) and LR IA 6-1.

BACKGROUND

Plaintiffs Thomas Christensen, E. Breen Arntz, and Gary Lewis filed an amended complaint in this action in Nevada state court, which amendments rendered the action removable. Plaintiffs have not properly served that amended complaint on any of the defendants, but provided it to Lewis Roca (who has not been properly served under Rule 4, even with the initial complaint) on November 23, 2022.

Preserving their right to challenge service of the initial complaint and amended complaint, UAIC and the Lewis Roca defendants filed motions to dismiss and quash that complaint in Nevada state court to ensure compliance with Nevada Rule of Civil Procedure 81(c).

The Winner defendants removed the matter to federal court on December 21, 2022 with the consent of UAIC and the Lewis Roca defendants.

Upon removal, the motions filed by UAIC and the Lewis Roca defendants have become moot and need to be refiled to address the federal pleading standards. In light of the pending removal and the divergence between federal and state pleading standards, the motion to dismiss previously filed will require a significant reworking. The Winner defendants, who have also not been served

¹ Lewis Roca, Daniel Polsenberg, J. Christopher Jorgensen, Abraham Smith, and Matthew Tsai together are the “Lewis Roca defendants.” Winner & Sherrod and Thomas E. Winner together are the “Winner defendants.” Unserved defendants Rogers Mastrangelo Carvalho & Mitchell, Ltd. and Stephen Rogers together are the “Rogers defendants.”

1 with the amended complaint, are likewise entitled to an opportunity to answer
2 or file responsive motions.

3 **POINTS AND AUTHORITIES**

4 Under FRCP 81(c)(2), defendants would have the longest of (A) 21 days
5 after receiving the amended complaint; (B) 21 days after service of the sum-
6 mons; or (C) 7 days after removal to file a responsive pleading or other motion.

7 Under FRCP 6(c) and LR IA 6-1, defendants request an extension of these
8 deadlines through January 25, 2023 to file pleadings and motions responding to
9 the amended complaint. This is the first request for extension. The parties
10 have not stipulated to any extension, nor have any other requests for extension
11 been denied or denied in part.

12 There is good cause for this extension. Any answer or motion by any
13 other Defendant is expected to be highly time-intensive. Plaintiffs' amended
14 complaint raises a multitude of new charges, ballooning the initial complaint
15 from 9 to 43 pages. The newly amended complaint attempts to relitigate facts
16 and legal theories spanning back nearly a decade and rejected repeatedly by
17 this court, Nevada state courts, and the federal and state appellate courts—
18 from breach of contract, bad faith, and Unfair Claims Practices Act to defama-
19 tion, fraud, and state and federal RICO. The amended complaint goes so far as
20 to accuse Defendants of a vast racketeering enterprise to bribe various state
21 court judges and perjure themselves. In addition to the new legal theories, the
22 amended complaint substantially increases the damages that plaintiffs are
23 seeking, despite plaintiffs' prior representations to defendants and this Court
24 that the controversy was worth just \$60,000.

25 Respectfully, while these unexpected claims are entirely without merit,
26 defendants take charges of this sort against them with the utmost seriousness
27 and want to thoughtfully and thoroughly vet and respond to them, including
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1 with references to the relevant judicial decisions that previously rejected them.

2 Although defendants maintain the inadequacy of service, arguably the
3 time to respond under FRCP 81(c) might run during the holiday season, when
4 many of the attorneys who are preparing the responses have immovable travel
5 plans across the country.

6 Unfortunately, the defendants have had to divert their attention from
7 preparing to respond to this amended pleading in federal court. Since Lewis
8 Roca received the amended pleading, counsel acquainted with the matter have
9 had to guide a client through a complicated settlement process requiring court
10 approval, navigate evidentiary hearings and arguments, and submit a reply
11 brief in the State Supreme Court addressing arguments raised by multiple
12 amici, among many other matters. Counsel for the Winner defendants has like-
13 wise been extraordinarily busy with depositions in multiple jurisdictions across
14 the country and appellate briefing in the State Supreme Court. And the holi-
15 days made it prohibitively difficult for counsel to secure the assistance of
16 enough attorneys with familiarity with the case to respond before the requested
17 extension.² Moreover, given the complicated procedural history in this matter,
18 bringing new attorneys up-to-speed is a significant time investment.

19 In sum, the additional time will enable counsel to adequately respond to
20 the meritless, but still significant, charges plaintiffs now raise.

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² To that end, counsel for the Winner defendants and lead counsel for the UAIC and Lewis Roca defendants are traveling outside of the jurisdiction through the end of the year.

1 Dated this 21st day of December, 2022.

2 LEWIS ROCA ROTHGERBER CHRISTIE LLP

3 By: /s/Abraham G. Smith

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14 LLP, Daniel F. Polsenberg, J. Christopher
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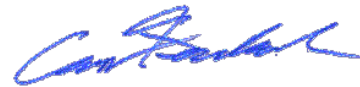
15 CAMPBELL & WILLIAMS

16 By: /s/Philip R. Erwin

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19 *Attorneys for Winner & Sherrod
20 and Thomas E. Winner*

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23 IT IS SO ORDERED.

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25 Cam Ferenbach
26 United States Magistrate Judge

27 DATED 12-27-2022

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CERTIFICATE OF SERVICE

I certify that on December 21, 2022, I served the foregoing “Joint Application for Extension of Deadline to File Responsive Pleadings/Motions (First Request)” to be filed via the Court’s CM/ECF system, which will accomplish service on all parties of record through their counsel.

/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber Christie LLP

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UNITED AUTOMOBILE INSURANCE
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ROGERS MASTRANGELO
CARVALHO & MITCHELL, LTD.;
STEPHEN ROGERS; and DOES I
through V,

Defendants.

Case No. 2:22-cv-02125

**[PROPOSED ORDER] GRANTING
EXTENSION OF DEADLINE TO FILE
RESPONSIVE PLEADINGS/MOTIONS**

1 ORDERED that the application by defendants United Automobile Insur-
2 ance Company; Lewis Roca Rothgerber Christie; Daniel Polsenberg; J. Christo-
3 pher Jorgensen; Abraham Smith; Matthew Tsai; Winner & Sherrod f/k/a Atkin
4 Winner & Sherrod; and Thomas E. Winner is GRANTED.

5 Moving parties' responsive pleadings or motions are due January 25,
6 2023.

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UNITED STATES DISTRICT JUDGE

Submitted by:

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/Abraham G. Smith

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